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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,537	04/12/2006	Ulf Deisenroth	DEISENROTH ET AL-1 PCT	5462
25889	7590	12/10/2008	EXAMINER	
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			VESRA, DINESH K	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,537	<b>Applicant(s)</b> DEISENROTH ET AL.	
	<b>Examiner</b> Dinesh Vesra	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 1-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/27/2006 and 4/7/2008</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "P" has been used to designate both Persons (Figs. 1-3) and Adapter System (Figs. 9a – 9d).
3. The drawings are objected to because they are unclear and it is difficult to determine each component of the invention. Examiner will attempt to examine application as best possible with current set of drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

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the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. Regarding claims 38 - 66, the suffix "-like" (Claim 38, lines 2-3) renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "-like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **As best understood, claims 38, 39, 41-43, 46-49, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladika et al. (US Patent 5,663,520) in view of Knoll et al. (US Patent 6,378,939 B1).** Ladika et al. disclose a modular shelter system (Fig. 1) consisting of a capsule-like housing (20) that has a shape (46), at least on its underside, which guarantees the deflection of blast waves, and an accommodation system (seat in section 30); wherein the housing has a circular, oval, or hexagonal cross-section in the vertical section and in a section that runs at a right angle to its longitudinal axis, or a combination of contours having spherically curved regions and planar regions (the cross-section of the housing is a combination of curved and

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planar regions); wherein each housing has a door/ a door system (Fig. 6) or a passage opening on at least one side; wherein the door/the door system is blast-resistant (Column 4, lines 45-61) and/or has a redundant emergency exit function; wherein the housing consists of fiber laminate material, metallic material (Column 6, Line 1), concrete, or combinations thereof; wherein the housing is armored (46); wherein the container is part of a vehicle or can be accommodated by a vehicle (Fig. 1); wherein the container has an accommodation system (seat in section 30); wherein the accommodation has one or more seats (Fig. 1). Ladika et al. does not disclose the accommodation system mounted so that it is uncoupled from the floor and a space is present between the accommodation system and the floor. Knoll et al. disclose an accommodation system (Figs. 1 - 2) that is mounted (138) so that it is uncoupled from the floor with a space (below 140). At the time of the invention, it would have been obvious to one of ordinary skill in the art to mount the accommodation system of Ladika et al. so that it is not coupled to the floor in view of the teachings of Knoll et al. The motivation for doing so would be to provide the accommodation system with a shock absorbing capability.

7. **As best understood, claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ladika et al. and Knoll et al. as applied to claim 38 above, and further in view of Forsyth et al. (US Patent 3,215,219).** Ladika et al. and Knoll et al. disclose the modular shelter system as set forth above, but do not disclose wherein several container-shaped housings can be coupled with one another, directly or by way of adapter elements. Forsyth et al. disclose coupling together modular shelter systems

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by way of adapter elements (50). At the time of the invention, it would have been obvious to one of ordinary skill in the art to provide the modular shelter system of Ladika et al. and Knoll et al. with an adapter element to couple several housings together. The motivation for doing so would be to carry more people or objects at once.

8. **As best understood, claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ladika et al. and Knoll et al. as applied to claim 38 above, and further in view of Miguel (US Patent 4,404,889).** Ladika et al. and Knoll et al. disclose the modular shelter system as set forth above, but do not disclose wherein honeycomb structures, foams, or renewable raw materials are integrated into the housing. Miguel discloses using a honeycomb structure (20 – Fig. 1) in the body of an armored vehicle. At the time of the invention, it would have been obvious to one of ordinary skill in the art to provide the housing of Ladika et al. and Knoll et al. with a honeycomb structure in view of the teachings of Miguel. The motivation for doing so would be to increase the blast resistance of the housing.

9. **Claim 45 is rejected as being a product-by-process claim.** There is no patentable weight given to the process by which the product is made as long as all the structural limitations are met (see MPEP 2113 [R-1]).

10. **As best understood, claims 50-54, 56-63, 65, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladika et al. and Knoll et al. as applied to claim 38 above, and further in view of Hoffman (US Patent 6,267,440 B1).**

Ladika et al. and Knoll et al. disclose the modular shelter system as set forth above, but do not disclose wherein fixed and/or shock-resistant and/or energy-resistant and/or

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impact-resistant structures are disposed in the space/interstice. Hoffman discloses a shock-resistant structure (54 - Fig. 4) disposed in the space/interstice between the seat and the floor; wherein the structures have a reinforcement structure in the form of a floor support (floor below the seat in Fig. 4); wherein the reinforcement structure is produced on the basis of aluminum, magnesium, steel, fiber laminate structures, or combinations thereof, in a homogeneous or perforated embodiment (though not specifically disclosed, it is inherent that the floor of a blast resisting vehicle is made of steel). At the time of the invention it would have been obvious to one of ordinary skill in the art to provide the accommodation system of Ladika et al. and Knoll et al. with the shock-resistant structure in view of the teachings of Hoffman. The motivation for doing so would be to provide more blast resistance to the accommodation system.

Regarding claim 53, the combination of Ladika et al., Knoll et al., and Hoffman disclose the modular shelter system as set forth above wherein the accommodation system above the structures is determined, in its position, by means of an attachment system (138 – Fig. 2, Knoll et al.), which engages the housing above the space/interstice between accommodation system and the floor; wherein the accommodation has a base element/a base plate (floor shown in Fig. 4 of Hoffman).

Regarding claim 56, Ladika et al. and Knoll et al. disclose wherein each seat has a connection to the housing, by way of the attachment system (138 – Knoll et al.), on one hand, but do not disclose wherein each seat is connected with the base element/the base plate, on the other one hand. Hoffman discloses wherein each seat is connected (10 - Hoffman) with the base element/the base plate. It would have been

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obvious to one of ordinary skill in the art to attach the accommodation system of Ladika et al. and Knoll et al. to the base element/base plate in view of the teachings of Hoffman. The motivation for doing so would have been to allow the seat to support more weight.

The combination of Ladika et al., Knoll et al., and Hoffman disclose the modular shelter system as set forth above, wherein the attachment system is formed by means of one or more first attachment elements/struts (138 - Knoll et al.) articulated on in the upper or lateral region (20) of the housing, which have a connection with the seats; wherein the attachment system is formed by means of one or more second attachment elements/struts (4 – Hoffman) articulated on in the upper or lateral region (4 is in the lateral region) of the housing, which have connection with the base element/the base plate; wherein the attachment system is capable of being shock absorbing in on or more degrees of freedom (the attachment system allows for the seat to absorb shocks in the vertical direction); wherein the seats are accommodated on the attachment system in a shock-absorbing manner (110 slides up and down in 138 with shocks to the vehicle); wherein the base element/the base plate rests on the structures directly (the base element is directly on the floor) or by way of an intermediate layer; wherein the base element/the base plate does not rest against the housing (it is inherent that the housing would rest on the floor which is the base element rather than the base element resting on the housing); wherein the seating surfaces (27 - Hoffman) are disposed at seat height above the base element/base plate, and the connection to the base plate takes place by means of rod-shaped (6) and/or plate-shaped connection elements; wherein



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the seats and/or the attachment system can be removed/disassembled from the modular shelter system (the attachment system of Knoll et al. can be removed at 138).

11. **As best understood, claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ladika et al., Knoll et al., and Hoffman as applied to claim 52 above, and further in view of Barecki (US Patent 3,630,566).** Ladiki et al., Knoll et al., and Hoffman disclose the modular shelter system as set forth above, but do not disclose wherein two seats rest against one another with their backrest regions, in each instance, and have seating surfaces that face away from one another. Barecki discloses a seating arrangement wherein two seats (22, 23) rest against one another with their backrest regions (20), in each instance, and have seating surfaces that face away from one another (Fig. 1). At the time of the invention it would have been obvious to one of ordinary skill in the art to provide the accommodation system of Ladiki et al., Knoll et al., and Hoffman with the shared backrest seating arrangement in view of the teachings of Barecki. The motivation for doing so would be to increase the seating capacity of the modular shelter system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh Vesra whose telephone number is (571) 270-5221. The examiner can normally be reached on Monday - Thursday 9:00 a.m. - 7:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinesh Vesra/  
Examiner, Art Unit 3633

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633